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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HOLLIDAY, JAIME MICHELE	
ART UNIT	**PAPER NUMBER**
2686	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,848	GORIS ET AL.	
	Examiner	Art Unit	
	Jaime M. Holliday	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 2, 4-7, 11, 12, 14-17 and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by **Attia et al. (Pub # US 2005/0011957 A1)**.

Consider **claim 1**, Attia et al. clearly show and disclose a system for using a mobile device (mobile telephone) **105** to decode barcodes (coded data) **103** and process the barcode information (abstract and figure 1), comprising:

a digital camera, associated with a cell-phone (mobile telephone) or PDA, that acquires barcodes (coded data) via digital imaging techniques (paragraph 0025); and

a server (database) **113** that processes the barcode (coded data) information and transmits media content (information about the article) **115** back to the mobile device (mobile telephone) (abstract and figure 1 and 2B).

Consider **claim 2**, and **as applied to claim 1 above**, Attia et al. further disclose that the barcode (coded data) information is transmitted to a server

(database) via a wireless network (abstract and figure 1). Considering **claim 2**, both an infrared connection and a direct radio link to a database would be wireless.

Consider **claim 4**, and **as applied to claim 1 above**, Attia et al. disclose a software application referred to as "ScanZoom" **201** that processes and decodes barcodes (coded data) (paragraph 0025). In order to utilize the ScanZoom software, a user must download the software onto their cell phone (mobile telephone) (paragraph 0026). Since the software is on the cell phone (mobile telephone), the decoding of the barcodes (coded data) occurs in the cell phone (mobile telephone).

Consider **claim 5**, and **as applied to claim 1 above**, Attia et al. disclose a software application referred to as "ScanZoom" that processes and decodes barcodes (coded data) (paragraph 0025). To utilize the ScanZoom software, a user downloads the software on their cell phone (mobile telephone) through wireless access protocol, infrared or Bluetooth connectivity (paragraph 0026).

Consider **claim 6**, and **as applied to claim 1 above**, Attia et al. disclose a system for decoding barcodes and processing the barcode information (abstract and figure 1).

Consider **claim 7**, and **as applied to claim 1 above**, Attia et al. further disclose that after a barcode (coded data) has been correctly resolved (decoded), the mobile device displays the appropriate media content (information

about the article) to the user, which depends entirely on the barcode scanned (paragraph 0032).

Consider **claim 11**, Attia et al. clearly show and disclose a method for using a mobile device (mobile telephone) to decode barcodes (coded data) and process the barcode information (abstract and figure 1), comprising:

acquiring, with a cell-phone (mobile telephone) or PDA equipped with a digital camera, barcodes (coded data) via digital imaging techniques (paragraph 0025); and

transmitting, from a server (database) that processes the barcode (coded data) information, media content (information about the article) back to the mobile device (mobile telephone) (abstract and figure 1 and 2B).

Consider **claim 12**, and **as applied to claim 11 above**, Attia et al. further disclose that the barcode (coded data) information being transmitted to a server (database) uses a wireless network (abstract and figure 1). Considering **claim 12**, both an infrared connection and a direct radio link to a database would be wireless.

Consider **claim 14**, and **as applied to claim 11 above**, Attia et al. disclose a method using a software application referred to as "ScanZoom" **201** that processes and decodes barcodes (coded data) (paragraph 0025). In order to utilize the ScanZoom software, a user must download the software onto their cell phone (mobile telephone) (paragraph 0026). Since the software is on the

cell phone (mobile telephone), the decoding of the barcodes (coded data) occurs in the cell phone (mobile telephone).

Consider **claim 15**, and **as applied to claim 11 above**, Attia et al. disclose a method using a software application referred to as "ScanZoom" that processes and decodes barcodes (coded data) (paragraph 0025). To utilize the ScanZoom software, a user downloads the software on their cell phone (mobile telephone) through wireless access protocol, infrared or Bluetooth connectivity (paragraph 0026).

Consider **claim 16**, and **as applied to claim 11 above**, Attia et al. disclose a method for decoding barcodes and processing the barcode information (abstract and figure 1).

Consider **claim 17**, and **as applied to claim 11 above**, Attia et al. further disclose I their method that after a barcode (coded data) has been correctly resolved (decoded), the mobile device displays the appropriate media content (information about the article) to the user, which depends entirely on the barcode scanned (paragraph 0032).

Consider **claim 21**, Attia et al. clearly show and disclose a software application and system that processes and decodes barcodes (coded data) acquired via digital imaging techniques (recorded using a camera associated with a mobile telephone). The ScanZoom software empowers a user to use a cell phone (mobile telephone) equipped with a digital camera as a scanner of barcodes or any other similar machine-readable code (coded data) (paragraph

0025, lines 1-8). After the barcode (coded data) image has been acquired, software located on the mobile device (mobile telephone) enhances the barcode (coded data) image and subsequently decodes the barcode (coded data) information. The server (database) processes the barcode information and transmits media content related to the barcode back to the mobile device (abstract and figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 3, 8, 13, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Attia et al. (Pub # US 2005/0011957 A1)** in view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 3**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 2 above**, and in addition, Attia et al. clearly disclose transmitting the barcode (coded data) to a server (database) via a wireless network (abstract and figure 1).

However, Attia et al. does not specifically disclose that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices (mobile telephone) **207** for a user equipped with a portable wireless imaging device (camera associated with a mobile telephone) to obtain information related to the imaged objects (coded data) **202** (abstract, figure1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server (database) **205**. The remote server could be far apart

or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the system of Attia et al., in order to provide optimal communication between the mobile device (mobile telephone) and server (database).

Consider **claim 8**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 1 above.**

Attia et al., however, does not specifically disclose that the media content (information about the article) displayed on the mobile device (mobile telephone) is price information.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method that the server (database) can, based on the object identification information (coded data), extract information about the object from databases/public data networks such as the Internet (paragraph 0063). The server (database) can formulate an HTTP request or a SQL query to retrieve more information about the product (article), such as price, availability etc (paragraph 0069).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide price as part of the product

information transmitted from the server (database) as taught by Lev and Bar-Or in the system of Attia et al., as a service to the user.

Consider **claim 13**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 12 above**, and in addition, Attia et al. clearly disclose in their method transmitting the barcode (coded data) to a server (database) via a wireless network (abstract and figure 1).

However, Attia et al. does not specifically disclose that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices (mobile telephone) **207** for a user equipped with a portable wireless imaging device (camera associated with a mobile telephone) to obtain information related to the imaged objects (coded data) **202** (abstract, figure1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server (database) **205**. The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Attia et al., in order to provide optimal communication between the mobile device (mobile telephone) and server (database).

Consider **claim 18**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 11 above.**

Attia et al., however, does not specifically disclose in their method that the media content (information about the article) displayed on the mobile device (mobile telephone) is price information.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method that the server (database) can, based on the object identification information (coded data), extract information about the object from databases/public data networks such as the Internet (paragraph 0063). The server (database) can formulate an HTTP request or a SQL query to retrieve more information about the product (article), such as price, availability etc (paragraph 0069).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide price as part of the product information transmitted from the server (database) as taught by Lev and Bar-Or in the method of Attia et al., as a service to the user.

6. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Attia et al. (Pub # US 2005/0011957 A1)** in view of **Swartz et al. (Pub # US 2005/0040230)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 10**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 1 above**.

Attia et al., however, does not specifically disclose that information from multiple barcode images (coded data) can be stored in the memory of the mobile device (mobile telephone).

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses (databases) by employing a wireless communication network (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items (information from a plurality of articles) on the portable terminals. The portable terminal may be able to access a list of previously items form its memory (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple barcode images (coded data) in the mobile device (mobile telephone) as taught by Swartz et al. in the system of Attia et al. in order to provide better service to the consumer.

The combination of Attia et al. and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices (mobile telephone) that the imaging device is a device capable of capturing single or multiple images or

video streams (video sequence) and converting them to digital information (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream (video sequence) of the image as taught by Lev and Bar-Or in the combination of Attia et al. and Swartz et al., in order to successfully capture the barcode (coded data) to transmit to a server (database).

Consider **claim 20**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 11 above**.

Attia et al., however, does not specifically disclose in their method that information from multiple barcode images (coded data) can be stored in the memory of the mobile device (mobile telephone).

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses (databases) by employing a wireless communication network (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items (information from a plurality of articles) on the portable terminals. The portable terminal may be able to access a list of previously items form its memory (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple barcode images (coded data) in the mobile device (mobile telephone) as taught by Swartz et al. in the method of Attia et al. in order to provide better service to the consumer.

The combination of Attia et al. and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices (mobile telephone) that the imaging device is a device capable of capturing single or multiple images or video streams (video sequence) and converting them to digital information (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream (video sequence) of the image as taught by Lev and Bar-Or in the combination of Attia et al. and Swartz et al., in order to successfully capture the barcode (coded data) to transmit to a server (database).

10. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Attia et al. (Pub # US 2005/0011957 A1)** in view of **Rehbein et al. (Pub # US 2005/0017453 A1)**.

Consider **claim 9**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 8 above**.

Attia et al., however, does not specifically disclose that the media content (information about the article) transmitted from the server (database) is price information in at least two different currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone (mobile telephone) **168** (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount (price) **202** into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount (price) **203** into an amount corresponding to a first party currency (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbien et al. as another use for the system of Attia et al. of the media content (price information) retrieved from the server (database).

Consider **claim 19**, Attia et al. clearly show and disclose the claimed invention as **applied to claim 18 above**.

Attia et al., however, does not specifically disclose in their invention that the media content (information about the article) transmitted from the server (database) is price information in at least two different currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone (mobile telephone) **168** (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount (price) **202** into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount (price) **203** into an amount corresponding to a first party currency (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbien et al. as another use for the method of Attia et al. of the media content (price information) retrieved from the server (database).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Erlach** discloses a method and platform for providing telecommunication wireless and wire line services. Physically, the telecommunication platform is comprised of a cell phone (mobile telephone) integrated with, among other components, a digital camera, a short-range wireless communication method with other wireless devices, such as Bluetooth, a user interface, a bar code (coded data) or other product code reading apparatus and software, and a network service provider and related application hosting facilities, software and databases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
7/6/05